

Message Text

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TO AMCONSUL CASABLANCA

AMEMBASSY TUNIS

INFO AMEMBASSY RABAT

USINT ALGIERS

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E.O. 11652: N/A

TAGS: BEXP, AG, MO, TS

SUBJECT: OIM MARKET RESEARCH: TELECOMMUNICATIONS AND SCIENTIFIC

EQUIPMENT: USGGESTED RESOLUTION OF BEEGI DIFFICULTY

REF: A) CASABLANCA 837, B) TUNIS 6088, C) CASABLANCA 861

1. IN ORDER RELIEVE PRESENT SITUATION IN WHICH BENJELLOUN OF BEEGI HAS NEITHER SUBMITTED COMPLETED MOROCCAN RESEARCH NOR COMMENCED ALGERIAN RESEARCH BECAUSE COMPANY HAS BEEN UNABLE OBTAIN PAYMENT PURSUANT TO TUNISIAN GOVERNMENT REGULATIONS, AND IN ORDER PERMIT TIMELY CANCELLATION BEEGI CONTRACT AS IT RELATES TO ALGERIA RESEARCH, COMMERCE PROPOSES FUNDING BEEGI REPRESENTATIVE AIR TRAVEL TO TUNIS ON TICKET PURCHASED BY EMBASSY TUNIS, PREFERABLY USING ADDITIONAL SFC DINARS AVAILABLE FOR COMMERCE PROGRAMS. IN RETURN FOR THIS ASSISTANCE, BEEGI SHOULD SUBMIT IN ADVANCE THE FINISHED MOROCCAN MARKET RESEARCH SUBJECT TO OUR APPROVAL AND ACCEPT NECESSARY AMENDMENTS TO CONTRACT, INCLUDING CANCELLATION OF ALGERIA COUNTRY

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PACKAGE.

2. DEPENDENT UPON COMMENTS FROM TUNIS AND CASABLANCA,
WE WOULD SUGGEST FOLLOWING APPROACH BY CASABLANCA:

A) INFORM BEEGI/BENJELLOUN THAT WE INVOKE CONTRACT'S SECTION II, ARTICLE 4, AND MUST CANCEL CONTRACT REFERENCES TO ALGERIA COUNTRY PACKAGE. HOWEVER, WE WISH FACILITATE HIS RECEIPT OF PAYMENT DUE FOR WORK ACCOMPLISHED (I.E. MOROCCO COUNTRY PACKAGE) WHILE ABIDING BY TUNISIAN GOVERNMENT REGULATIONS GOVERNING USE OF SPECIAL FOREIGN CURRENCY DINARS. IN RETURN FOR THIS ASSISTANCE, WE EXPECT BEEGI TO SUBMIT PROMPTLY THE COMPLETED MOROCCAN COUNTRY PACKAGE AND AGREE TO CONTRACT AMENDMENTS DESCRIBED BELOW.

B) PROCEED TO AMEND CONTRACT TO DELETE REFERENCES TO ALGERIA MARKET RESEARCH. TOTAL AMOUNT DUE FOR REMAINING MOROCCAN COUNTRY PACKAGE IS ONE-HALF OF AMOUNT SPECIFIED IN PRESENT CONTRACT, OR DINARS 2,474 PLUS COST OF ROUNDTRIP AIR FARE CASABLANCA-TUNIS-CASABLANCA.

C) ALSO AMEND CONTRACT TO ADD PROVISION THAT USG (I.E. EMBASSY TUNIS) WILL OBTAIN ROUNDTRIP AIRPLANE TICKET TO ENABLE BEEGI REPRESENTATIVE TO TRAVEL TO TUNIS TO COLLECT PAYMENT FOR MOROCCAN RESEARCH ACCORDING TO TUNISIAN GOVERNMENT REGULATIONS. COST OF TICKET WILL BE FUNDED BY COMMERCE, PREFERABLY FROM ADDITIONAL SFC DINARS RECENTLY MADE AVAILABLE TO COMMERCE FOR FY 1975. CONTRACT SHOULD IDENTIFY TICKET COST AS PROGRESS PAYMENT TO PERMIT FULFILLMENT OF CONTRACT PROVISIONS.

NOTE: PER TUNIS 1163, PARA 4, WE UNDERSTAND THAT BEEGI WILL BE ABLE TO COLLECT PAYMENT IN SFC DINARS CASH AT EMBASSY TUNIS. IN THIS EVENTUALITY CASABLANCA SHOULD CAREFULLY REVIEW WITH BEEGI REPRESENTATIVE TUNISIAN GOVERNMENT REGULATIONS GOVERNING USE OF SFC AS PREVIOUSLY EXPLAINED FULLY BY TUNIS (TUNIS 1163, 4589, 4988, 6088 INTERALIA).

D) ALSO AMEND CONTRACT PAYMENT SCHEDULE (PARTICULARLY SECTION I, ARTICLE 5) TO REFLECT OUR PROPOSAL TO PAY BEEGI 2,474 DINARS IN TUNIS PLUS PROGRESS PAYMENT WHICH WILL BE IN FORM OF ROUNDTRIP AIRPLANE TICKET CASABLANCA-TUNIS-CASABLANCA, RATHER LIMITED OFFICIAL USE

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THAN THREE-PHASE SCHEDULE DESCRIBED IN PRESENT CONTRACT.

NOTE: PAYMENT WOULD BE AUTHORIZED BY COMMERCE AND TICKET ISSUED FOR BEEGI TRAVEL ONLY AFTER PRIOR RECEIPT AND APPROVAL BY POST AND COMMERCE OF BEEGI'S COMPLETED MOROCCAN COUNTRY PACKAGE.

E) IF AND WHEN MOROCCAN RESEARCH IS APPROVED BY COMMERCE,

WE WILL AUTHORIZE TUNIS TO MAKE TOTAL PAYMENT (NOT EXCEEDING 2,474 DINARS) AVAILABLE FOR DELIVERY UPON DEMAND IN SFC DINARS CASH TO BEEGI REPRESENTATIVE. AT SAME TIME WE WILL REQUEST TUNIS TO OBTAIN AND FORWARD TICKET TO CASABLANCA FOR DELIVERY TO BEEGI.

F) UPON RECEIPT OF TICKET, BEEGI REPRESENTATIVE WOULD BE AT LIBERTY TO TRAVEL TO TUNIS TO COLLECT PAYMENT. AFTER BEEGI'S RECEIPT OF SFC DINARS IN CASH WE BELIEVE USG OBLIGATION AND RESPONSIBILITY FOR BEEGI WOULD END AND AMENDED CONTRACT TERMS WOULD BE FULFILLED.

2. WE SEE NO OTHER ALTERNATIVE PAYMENT METHOD POSSIBLE, PARTICULARLY GIVEN FACT THAT LANGUAGE OF CONTRACT WITH BEEGI DOES NOT SPECIFY THAT PAYMENT MUST BE MADE IN TUNIS.

3. RE REF C, PARA 4, WHICH REQUESTS EMBASSY TUNIS ASSISTANCE IN HELPING BEEGI NEGOTIATE CONVERTIBILITY OF DINARS AND TRANSFER OF PROCEEDS, WISH REMIND POSTS THAT IN ADDITION TO TUNIS' PREVIOUS MESSAGES EXPLAINING NON-CONVERTIBILITY OF SFC DINARS, CONTRACT LANGUAGE (SECTION I, ARTICLE 2) STATES QTE. USG ASSUMES NO OBLIGATION REGARDING CONVERTIBILITY, THE DOLLAR EQUIVALENT UPON PAYMENT, OR THE ABILITY OF BEEGI TO USE OR DISPOSE OF THE DINARS WHETHER IN TUNISIA OR ELSEWHERE. UNQTE.

4. POST COMMENT INVITED ON THIS PROPOSAL. FOR TUNIS: IF YOU FORESEE DIFFICULTY PURCHASING AIR TICKET FOR BEEGI, GIVEN APPROPRIATE COMMERCE FISCAL AUTHORIZATION, USING SFC DINARS, ADVISE. COMMERCE IS PREPARED AUTHORIZE DOLLARS FOR AIR TICKET IF NECESSARY. INGERSOLL

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